DOCUMENT RESUME

ED 221 819 CG 016 257

AUTHOR Klein, Susan S.
TITLE Likely Administration Views of the Federal Role in Education: Implications for Sex Equity [and] Recommendations for Maintaining a Federal Role in Providing Equal Educational Opportunities for Women.
INSTITUTION National Advisory Council on Women's Educational Programs, Washington, D.C.
PUB DATE Jun 82
NOTE 29p.; For related document, see CG 016 256.

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Elementary Secondary Education; *Equal Education; Federal Aid; *Federal Programs; Federal Regulation; *Government Role; Government School Relationship; Postsecondary Education; Program Descriptions; *Public Officials; *Public Policy; *Sex Fairness
IDENTIFIERS *Department of Education

ABSTRACT

This outline contains a description of how the federal role in education has changed in the past year and the implications of this change for future federal activities designed to achieve educational equity. Policies and program functions that are allowed under the new federal role and which may influence the Department of Education's support for activities to provide equal educational opportunities are detailed along with suggestions of permissible and high priority federal activities that continue to promote sex equity during the Reagan administration. The outline also discusses the relationship between key administration officials' policy statements and actual federal program decisions. Recommendations for maintaining a federal role in providing equal education opportunities for women developed by the National Advisory Council on Women's Educational Programs are appended. (JAC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED221819

Likely Administration Views of the Federal Role in Education: Implications for Sex Equity [and] Recommendations for Maintaining a Federal Role in Providing Equal Educational Opportunities for Women

Susan S. Klein, Ed. D.

National Advisory Council on Women's Educational Programs

June 1982

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☒ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

CG 016257

national advisory council on women's educational programs

Suite 821
1832 M St., N.W.
Washington, D.C. 20036
(202) 653-5846

LIKELY ADMINISTRATION VIEWS OF THE FEDERAL ROLE IN EDUCATION: IMPLICATIONS FOR SEX EQUITY

This outline contains a description of how the Federal role in education has changed in the past year and the implications of this change for future Federal activities designed to achieve educational equity, regardless of sex. A preliminary analysis suggests that although the currently evolving Federal role in education will be less extensive than during the past administrations, it will continue to include some commitment to educational equity, and to traditional Federal program functions such as statistics, research, development, evaluation, dissemination, technical assistance and the enforcement of civil rights laws.

This outline indicates that the previous Federally sponsored programmatic activities in sex equity had been limited almost entirely to the above currently allowable Federal education program functions. The analysis further suggests that even among these allowable functions, future Federal support for sex equity activities in education may be more feasible if certain activities are given higher priority than in the past. For example, assuming that current Federal programs which support sex equity activities such as the Women's Educational Equity Act Program (WEEAP), Civil Rights Act - Title IV (CRA IV), and the Vocational Education Act are continued* they may place relatively more emphasis on supporting the identification of effective sex equity activities and on increasing the dissemination of alternative sex equity research findings and instructional product options to help educators across the nation. The selection of these high priority Federal role activities also would be congruent with results of preliminary analyses of current sex equity products which suggest that a wide variety of useful sex equity instructional products exist and that it may be wiser to invest in their identification and dissemination than in the development of more new products in many areas.

This outline is also intended to help readers understand the relationship between key administration officials' policy statements and actual Federal program decisions. Some of these statements describe Federal responsibilities to provide equal educational opportunities for females and males while other statements such as the focus on "slenderizing the rulebook" may conflict with some equity goals. For example, a recent draft administration proposal to eliminate from the vocational education regulations the requirement for full-time personnel in each state to address vocational education sex equity activities and the elimination of the Women's Research Team in NIE suggest that there may be some discrepancy between administration policy statements and some program level decisions.

The Advisory Council is using this information as a framework for the development of specific recommendations for future Federally supported sex equity activities. We hope that others will find this information useful as well.

* This decision will be up to Congress. The administration's February 1982 budget requested that all FY '82 funds for WEEAP and CRA IV be rescinded and no money be appropriated for FY '83 support of these programs.

LIKELY ADMINISTRATION VIEWS OF THE FEDERAL ROLE IN EDUCATION: IMPLICATIONS FOR SEX EQUITY

I. INTRODUCTION

A. Purposes of this outline

1. Provide information on how this administration's views differ from previous administrations' activities related to the Federal role in education.

2. Describe policies and program functions allowable under the new Federal role which may influence the Department of Education (or its successor's) support for activities to provide equal educational opportunities for females and males.

3. Suggest permissible and high priority Federal activities to continue to promote sex equity in education during this administration.

B. Assumptions

1. This administration's positions on these issues have been relatively consistent. Administration leaders acknowledge <u>some</u> Federal role in education.

2. Congress continues to influence the Federal role in education, including sex equity. Details on the Federal role are emerging but may be reversed by the next Congress.

3. Progress in implementing sex equity in education via Federal activities may be maintained if such activities are cognizant of current constraints and national needs.

4. Decisions on Federal sex equity activities will be made rationally, apart from major changes in agency structure, budgets, etc.

5. Federally supported sex equity activities will have a greater chance of implementation if they are greatly needed by the field, fit within the general allowable Federal role, are supported by a wide variety of constituent groups, can be used flexibly and can withstand logical/research based attacks.

II. CHARACTERISTICS OF THE FEDERAL ROLE IN EDUCATION 1965-1980

A. General characteristics of Federal education activities 1965-80

1. The major focus was on providing equal educational opportunity and helping learners with the greatest need.

2. There was a gradual increase in attention to civil rights enforcement and to non-discrimination on the basis of sex as a civil right. This was demonstrated by increased staff for the Office for Civil Rights, and increased numbers of civil rights investigations and compliance reviews since 1976 when the Secretaries of HEW came under court order for lack of enforcement.

3. There was a proliferation of education programs intended to help a wide variety of groups accomplish many types of educational improvements. In 1980, 1,100 Federal education programs were identified. 150 were in the Department of Education. (Halpern, p.17 in Miller, 1981)

4. These multiple Federal programs were frequently poorly coordinated with each other, overlapping, and sometimes contradictory or inconsistent at the user level, (i.e., Title I "pull out" programs and special education "mainstreaming" programs.)

5. There was a trend for greater specification of procedural details in Federal education legislation and regulations to increase the likelihood of avoiding past errors and to attain specific Federal objectives such as the equitable distribution of Title I aid and the involvement of parents via mandated Title I parent Advisory Councils.

6. There has been a gradual, but not very systematic, identification of what types of Federal program activities are most effective and an increased emphasis on accountability and evaluation.

7. The total amount of Federal education expenditures increased from $3.0 billion in 1966 to $14 billion for the Department of Education in 1980, while the percent of the Federal budget and of total national education expenditures remained around 6-8%. At the same time the percent of state support for education increased greatly. (Jennings, p. 7 in Miller, 1981)

8. Federal legislation, including that which created the Department of Education in 1980, retained primary responsibility for education at the state and local levels. The Federal government was always expressly prohibited from assuming the following roles or functions:

> "No provision of a program administered by the Secretary or by any other officers of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over

the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law."

(Section 103 of Public Law 96-88 which created the Education Department.)

B. Federal sex equity activities in particular (1965-80)*

1. Title IX, Education Amendments of 1972, prohibits sex discrimination in Federally assisted activities at all levels of education.

2. Three main Federal programs have funded sex equity activities in education

   a. Women's Educational Equity Act 1974 -- Supports model projects to enhance sex equity at all levels of education.

   b. Civil Rights Act, Title IV -- provides technical assistance to state and local education agencies for sex desegregation.

   c. Vocational Education Act - 1976 Amendments included many provisions to overcome sex bias and stereotyping.

3. Other programs such as the following have provided some additional help:

   a. National Institute of Education - research on sex equity and research training for minorities and women

   b. Fund for the Improvement of Postsecondary Education - sex equity in innovative postsecondary programs

   c. Career Education - innovative sex equity career education materials and programs

   d. National Science Foundation, Women in Science Program and other science education projects to attract and retain women in science careers.

* See "Summary of Recent U.S. Department of Education Activities to Increase Equal Access and Equal Opportunities for Women" by Susan Klein for NACWEP, September 1981 and Federal Funding to Promote Sex Equity in Education, 1980 by Susan Klein and Melanie Goodman for more details.

4. The Office for Civil Rights, OCR, has been responsible for developing the Title IX regulations and the Vocational education guidlines for eliminating discrimination and for enforcing and providing some technical assistance to help people understand these sex equity laws.

5. Trends - Most of the program budgets for sex equity increased gradually in the mid 1970s until 1980. There has been limited coordination at the Federal level among these Federally supported sex equity activities although sometimes the same grantees received support from several Federal programs for sex equity work and were able to coordinate activities of these programs at their local sites.

III. CURRENT (1981-2) ADMINISTRATION VIEWS ON THE FEDERAL ROLE IN EDUCATION*

A. Summary of administration principles compared with those of recent administrations'

1. Principles which differ from recent administrations':

a. A major curtailment of the Federal role in education so that educational responsibility and decision making will reside almost entirely with state and local governments and parents as indicated by:

- o Consolidating Federal categorical programs into block grants to provide states and locals more flexibility in decision making.
- o Decreasing Federal leadership, increasing the involvement of groups and commissions in Federal decision making while decreasing the decision-making role of bureaucrats. (This was one justification for creating an education foundation instead of the current Department of Education or other organizational options.)
- o Implementing a less intrusive, more cooperative approach to the states and decreasing Federal monitoring of states and school districts. (This would apply to civil rights enforcement and the management of federal funds.)
- o Decreasing Federal burdens on states, local agencies, and educational institutions by "slenderizing the rulebook", reducing paperwork, etc.

* This outline has been verified informally with some administration officials and with researchers such as David Clark and Mary Anne Amiot authors of "The Impact of the Reagan Administration on Federal Education Policy," Phi Delta Kappa, December 1981.

b. Lower priority for education in the Federal agenda than in past administrations as indicated by:

- o The view that education is seen as a process, not a Federal goal like national defense.
- o Statements in the Republican Party Platform, the Heritage Report, and by Secretary Bell and President Reagan that they want the Department of Education abolished.

c. Decreased Federal financial support of education to help balance the Federal budget.

- o The 1981 Department of Education appropriations were $14,895,237,000. Despite inflation, the administration's FY '82 Department of Education budget request was reduced to $12,592,045,000. The 1982 Congressional Continuing Resolution allows for a total of $12,978,531,000. (Congress can, of course, appropriate more than the administration requests. The Budget Reconciliation Act authorized up to $15.7 billion for FY '82.)
- o Statements of some current administration leaders that past administrations threw money at problems, but did not solve them.
- o Statements that, in general, the administration favors user fees for services which are most economically supplied by the Federal government (TV address by Reagan September 24, 1981). The Educational Resources Information Center (ERIC) system is an example of a service system which is more cost-effective to operate at the Federal level.
- o Statements that the administration favors volunteer support for education activities and private sector tuition tax credits for support of private education.
- o Some administration concern for improving the cost-effectiveness of education by improving the performance of teachers and administrators (Lloyd, June 28, 1981). (This view is also inherent in Secretary Bell's justifications for increasing quality and excellence in education - Bell interview in Inservice, 9/81.)

2. Current administration views of the types of remaining Federal education responsibilities are similar to those of recent administrations, but may be implemented differently and less extensively.

They include: continued safeguards against Federal intervention in local educational decisions (See II a7); continued

commitment to educational quality, equity, and productivity; maintenance of a Federal role in statistics, research, dissemination, and technical assistance; and the continued use of criteria for determining Federal priorities which include national significance, effectiveness, and contribution to the elimination of dependency.

B. Administration views of some continuing Federal education responsibilities.

1. Continued Commitment to Educational Equity

Frequently mentioned administration goals appear to be: quality/excellence, equity, and productivity/instructional technology.

a. Pro-Federal role in educational equity statements

Educational equity was retained in the 1980 Republican Party Platform and administration officials make public statements in its support.

- The 1980 Republican Party Platform stated "Our goal is quality education for all of America's children, with a special commitment to those who must overcome handicap, deprivation or discrimination." Another section of the Platform stressed the party's commitment to equal rights for women.

- In an October 13, 1980 letter to members of the National Organization for Women, candidate Reagan said:

"In my acceptance speech, I pledged that as President I would establish a liaison with the 50 governors to encourage them to eliminate, wherever it exists, discrimination against women. I would also monitor federal laws to insure their implementation and to add statutes if they are needed.

"I believe there are numerous federal regulations that presently discriminate against women. I would seek to eliminate any such regulations.*

"I am as committed as you are to passing any legislation needed to guarantee equal rights."

- In a recent White House meeting with governors' representatives discussing the elimination of sex discriminatory state laws, President Reagan said: "I do believe with all my heart that such discrimination

* In December 1981, he formed a Presidential interagency task force on legal equity for women to work on this problem.

must be eliminated." Washington Post, October 8, 1981.

- In August 1981, Elizabeth Dole, Assistant to President Reagan for Public Liaison wrote Susan Vance, National Advisory Council on Women's Educational Programs Chair:

"Thank you for your letter concerning the recent successful effort to preserve the Women's Educational Equity Act (WEEA) program. President Reagan is committed to working to achieve equal rights for women, and the program is certainly one way to contribute to the attainment of that goal."

- Education Secretary Bell's statements in support of a continued Federal role in guaranteeing access to equal educational opportunities follow:

"I am committed to the responsibilities of the Federal government as delegated by the Constitution of the United States. I believe that we must continue to guarantee equal protection of the laws of this land to all citizens. This is true in education, as in every area of human endeavor. All students -- despite race, color, sex, physical handicap, English proficiency -- must have the opportunity to participate fully in our society. Historically, this responsibility has been carried out by Federal activities to supplement and complement the efforts of parents, states and localities in guaranteeing access to equal educational opportunity for all students and at all levels of learning. Although educators must consider the Constitution's 10th Amendment, which delegates the responsibility for education to the states, one cannot forget the 14th Amendment, which says government services must be provided equally," Bell said.

In his recent response to the report, Title IX: The Half Full, Half Empty Glass, Secretary Bell wrote:

"This fine document produced by the National Advisory Council on Women's Educational Programs will be recognized as a valuable reference tool to those concerned with the issues affecting women.

"I hope that you, your staff and members of the Council will continue to analyze the successes and problems of women in our society and make recommendations to both public and private agencies at the federal, state and local levels."

b. Changes in implementation of equity -- Federal helper role

Secretary Bell continued: "I strongly believe in these basic tenets. But I feel that at this time, we must look closely at the manner in which the federal role is carried out. We must continue to ensure these guarantees with the least possible interference to those who have the primary responsibilities for education."

"I believe that education is a state responsibility under a framework of local control. The federal role is to help meet, through appropriate and limited support programs, needs related to access and equality of opportunity which states and locals have been unable to support." (Senate confirmation hearing)

"We are not at the point where we can expect the nation's 16,000 school districts and 50 states to consistently enforce the constitutional rights of students" and the Education Department will "persuade, teach and advocate" to secure compliance with civil rights rather than withhold financial support. (The School Administrator, September 1981, p. 21)

c. Secretary Bell's suggested modifications of Title IX and other civil rights laws

- "In my opinion, the Title IX regulations need to be modified. I have already taken action to withdraw the dress code rules written in connection with Title IX. (This action has resulted in a number of vigorous protests, but I do not believe that we have any Federal right to interfere with local issues of length of hair, beards, and skirts on school and college campuses.) I am still reviewing these and other regulations and plan to take action to cut back as much as I can under the law and under the restraints and demands imposed by the courts.--- Finally, for your information, I am enclosing a copy of a contempt of court complaint that was delivered to my office yesterday. You can see from this complaint that the Federal courts may soon be after us for not enforcing civil rights laws and regulations. Your support for my efforts to decrease the undue harassment of schools and colleges would be appreciated. It seems that we have some laws that we should not have, and my obligation to enforce them is against my own philosophy. Hopefully, the new administration and the new majority in the United States Senate can join in an effort to make some long overdue changes and improvements in civil rights laws." (Secretary Bell's letter of April 24, 1981 to Senator Laxalt)

- In the Department of Education Semiannual Regulations Agenda and Review List it proposed to limit the

coverage of Title IX and other civil rights laws by excluding --- "from the definition of" 'Federal financial assistance' grants made under the Pell Grant Program using the alternative disbursement system and loans made under the Guaranteed Student Loan Program and the Parent Loan Program." (Federal Register/ Vol. 46, No. 212, Nov. 3, 1981 Proposed Rules) The January 14, 1982 Education Daily reported that the Education Department decided not to formally propose these rules. The Justice Department informed the Education Department that such a change would probably not be approved by the courts. In its place, the Department of Education is proposing to exclude only Guaranteed Student Loans from the definition of Federal financial assistance.

- "Another revision under consideration by the department is based on what the Secretary calls the pinpoint theory. Using this approach, only those departments or programs receiving Federal money - not the entire institution - would be obliged to comply with Title IX. He conceded that he disagreed with other officials in his department on the merits of the theory. Emphasizing that 'this is not my final position,' he said, 'I'm not inclined to think that it's administratively feasible to sever an insitution into its part and pieces and say, Well, you're covered here and not there." Nadine Brozan "Uncertain Future for Curbs on Sex Bias," New York Times, 11/23/81

d. Decreased Federal Civil Rights Enforcement

- Secretary Bell has also indicated that he does not think it is advisable to specify what conditions mean equality of opportunity and the Department of Education stated:

  "Regulations should focus on objectives to be achieved rather than on detailed prescription of ways to achieve them. -- Otherwise regulations are too intrusive." Education Week, September 7, 1981)

- A shift of more civil rights responsibilities to the states by having the state and local levels of government review the administration of the Federal Equal Opportunity Laws and provide guidance on decreasing Federal intervention or on how they can insure compliance -- (The School Administrator, September 1981, p. 21)

- A common administration phrase is "slenderizing the rulebook" to eliminate regulations which "go beyond what the law requires"

- To "slenderize the rulebook" the administration plans to replace several hundred pages of regulations for programs which are put into block grants with only two or three pages of regulations - Inservice, 9/81. (The administration recommended that the Women's Educational Equity Act and Civil Rights Act Title IV be put into these state block grants but Congress said no.)

- To avoid going "beyond what the law requires" includes the elimination of the appearance code and coverage of employees in the Title IX regulation.

o Avoidance of "hostile enforcement" and "Federal legal harassment."

- Some conservatives would also like to greatly curtail the coverage of Title IX and eliminate laws which support affirmative action. (Docksai 149-50 in Miller) (National Coalition for Women and Girls in Education "Title IX Papers" which analyse the proposed Hatch Amendment to Title IX, S. 1361).

- Some conservatives want to shift the burden of proof to assume innocence of alleged civil rights violators unless they are found guilty. (Docksai, 136, 149 in Miller)

- An Education Department Memorandum said that the elimination of Federal funds is too severe for civil rights violations. (Education Week, September 7, 1981)

- Bell cited his concern about the trend of increasing Federal power over education, saying, "I want to lessen dramatically the role we play in enforcement although most (education) statutes have a clause ensuring the Federal government won't control education, other parts of the statute inevitably contradict that guarantee."

2. Maintenance of Federal Program Functions such as Statistics, Research, Dissemination, etc.

Various administration statements suggest that the following should continue to be allowable Federal education responsibilities.

a. Statistics

Administration and other analyses of appropriate Federal education activities agree that national statistics and data gathering activities to secure them are important to identify national trends and to provide information to local boards, teachers, and others.

b. Research and Evaluation

- o Research

  Consistent administration statements support a Federal role in basic and applied research, but many in this administration have stressed the need to concentrate on practical problems of interest to state and local educators. (It is possible that the development of model products* may be considered applied research.)

  Bell also said, "The Federal role in education should be concerned with research and development on changing obsolete learning systems. We should be more and more concerned with making the education system more effective and more efficient."

- o Expanded knowledge of effective practices

- o Evaluation

  The Heritage Foundation Report said that it was valuable to have independent evaluations of Federal programs to identify what doesn't work as well as what works. (Docksai, in Miller 1981 p. 145)

c. Dissemination, demonstrations, technical assistance, and strengthening and increasing local and state capacities

Administration officials and authors of the Heritage Foundation Report have suggested that the Federal government should:

- o Disseminate and share knowledge and information on effective practices.

- o Support some demonstration programs. This may also include the development of model products.

* Model products as used in this paper include systematically developed educational materials, activities or programs which are intended to be used in places and by staff not necessarily associated with the initial development work.

- o Provide technical assistance to state, local and private educators by experts on a cooperative basis.

d. Service to educators or students

This administration believes in continuing student financial assistance (although at reduced levels) and in decreasing Federal support for many other types of direct Federal education services.

3. This administration's criteria for establishing Federal education program priorities appear to be similar to those in the past, except that some conservative have suggested that certain types of Federal programs should not be allowed. Criteria for determining national priorities include:

a. National significance

- o The problem should not be limited to a geographical region or state.
- o State and local education agencies should be unable to take action independently.
- o Federal activities should harmonize with and not distort state or local priorities.
- o It is appropriate to supply Federal support for Federally imposed burdens -- i.e. impact aid, refugee education.
- o The educational deficiency or need should be so serious "that the national interest demands allocation of scarce resources for this purpose when the need has been weighed against other demands for federal funds" (Bell in Federal Education Project Newletter, October 1981.)

b. Effectiveness

- o Secretary Bell said, "I think we can continue to advocate, support and push hard for programs that are of value and have proven themselves to be effective like the Title I ESEA program. The other thing we ought to be doing is identifying those programs which aren't worth the effort. There are a number of programs which ought to be phased out or replaced." (The Secretary interviewed by Joseph Scherer, in The School Administrator, March, 81)
- o Another of Secretary Bell's criteria for Federal intervention is the "probability that the deficiency could indeed be made up through expenditure of Federal funds." (Federal Education Project Newsletter, October 1981)

c. Possible special foci to include or exclude from Federal support

- o Include attention to basic skills to provide for economic survival and eliminate dependency.
  - Kent Lloyd, Deputy Undersecretary for Management in the Department of Education, said that we have "evidence that youngsters, especially our girls, are not moving into fields of biology and science and engineering because they haven't the math background."
  - Bell also wants to preserve international education programs and give more leadership in the area of instructional technology.
- o Exclude programs with requirements like:
  - Those designed to help special populations which disrupt classroom management, and conflict with each other such as Title I "pullout" versus Special Education "mainstreaming" requirements. (Presidential Federalism Advisory Committee, Department of Education Briefing Paper, 1981)
  - Requirements for specific subjects which may crowd out time needed for essential core subjects. (Presidential Federalism Advisory Committee, Department of Education Briefing Paper, 1981)
  - Federal support of programs such as sex education and values education. (Docksai, p. 141 in Miller) The Heritage Foundation Report suggested that discretionary Federal programs gave "Federal officials more opportunity to influence (or dominate) local decision-making than Title I -- This point is especially important for the programs that are at present being used as captive vehicles by groups of ideological militants, such as the 'Women's Educational Equity' program and the Title VII Bilingual Education program." (Docksai, p. 142 in Miller)
- o Secretary Bell said," Social reform and equity will not be the 'cutting edge' of Federal education policies in the 1980s. Rather, it will be how to make education more productive."

IV. ANALYSIS OF PREVIOUS FEDERAL SEX EQUITY POLICIES AND PROGRAMS RELATED TO CURRENT ADMINISTRATION VIEWS

A. Relationship of continuing Federal policies to the promotion of sex equity in education

1. Title IX which prohibits sex discrimination in education remains a Federal law and Secretary Bell and the Department of Education have responsibility to enforce it and provide technical assistance to help recipients of Federal funds comply with Title IX and other civil rights laws.

   - o As indicated by the NACWEP report, Title IX: The Half Full, Half Empty Glass this law is beneficial and still not fully implemented.

   - o Although this administration says it supports equal educational opportunity, it plans to use encouragement rather than punishment to foster compliance. Some such as Senator Hatch would like to eliminate most of the Federal role in enforcing equity and leave this responsibility entirely to the states.

2. The current detailed Vocational Education Act contains many provisions to insure sex equity. Acting on policy to "slenderize the rulebooks," the administration is proposing to eliminate all language and provisions which specifically mention sex equity or the special needs of women. For example:

   - o The current Vocational Education Act contains provisions requiring states to hire full time personnel to assist in reducing sex bias and stereotyping, to fund programs for certain groups of women and men with serious needs for equal opportunity in vocational education, and to develop a plan describing how equal access for both sexes will be ensured. Other activities such as child care provisions are also specifically included as allowable uses for Federal funds.

   - o The administration's current working draft for reauthorization of this act would replace these specific provisions with general language requiring elimination of barriers faced by special needs populations.

3. The administration has maintained policies to avoid sex discrimination in all Department of Education activities including:

   - o its own personnel policies;

   - o conscious use of non sexist language and communications;

   - o inclusion of attention to women or sex equity in programs which have other foci, such as adult basic education,

career education, statistical and evaluation activities and research.

B. Relationship of currently "allowable" Federal program functions to sex equity activities and needs.

1. Currently allowable Federal program functions which may be used to promote sex equity include:

a. Dissemination, demonstration, technical assistance (TA), and state and local education capacity building have been used extensively in Federal sex equity programs, but may be expanded and improved.

- o Dissemination of Women's Educational Equity Act Program (WEEAP) products has been the primary responsibility of a WEEAP contractor.
- o WEEAP supported a variety of dissemination services to provide information on sex equity to policy makers, educators, parents and students. The Women's Educational Equity Communications Network (WEECN) was a comprehensive dissemination service, others focused on sex equity information in physical education and athletics, or for minority women and women scholars.
- o WEEAP is also funding five National Demonstrations of Educational Equity in local school districts.
- o TA is provided directly by Office for Civil Rights (OCR) staff to help people comply with Title IX.
- o TA and capacity building support are provided to SEAs and LEAs by Civil Rights Act - Title IV (CRA IV) awardees. These awardees also disseminate information and products as requested through regional sex desegregation assistance centers.
- o The National Diffusion Network (NDN) is playing a role in helping users select and implement Joint Dissemination Review Panel approved sex equity activities.
- o TA is provided by state sex equity coordinators in vocational education. However the administration has considered proposing to eliminate the current regulation's requirement that personnel be assigned full-time to this activity.

b. Development of model sex equity products is still an allowable activity but should probably be decreased in favor of additional dissemination to mesh with administration priorities and needs of the field.

- o The current focus of WEEAP is the development and publication of products in five priority areas. There may be gaps in other areas as well.

- o The National Institute of Education (NIE) has supported some development of sex equity products the most important of which is the Freestyle TV show.

- o Vocational education, career education, and The Fund for the Improvement of Postsecondary Education (FIPSE) have developed sex equity products and programs. Discretionary career education funds will be eliminated as this program is included in the block grant. A current administration draft of the new Vocational Education Act eliminates several provisions specifically allowing development of sex equity programs and products, replacing it with general language requiring elimination of barriers faced by special needs populations.

c. Research, evaluation, and statistics continue to be important

(1) The NIE Women's Research staff has been phased out but Ed Curran, the Director of NIE, has testified that NIE will continue supporting sex equity research.

(2) Recent useful user evaluations of WEEAP have been completed by contractors and NACWEP.*

(3) A few statistical surveys of women in higher education have been conducted by the National Center for Educational Statistics.

d. Service - This was a very minor emphasis for Federal efforts to promote sex equity compared to other education program areas. This administration may want to decrease this emphasis due to the relatively high costs involved.

The main service type programs have been the NSF Women in Science Program and the experimental NIE program to increase the participation of women and minorities in educational R&D.

* NACWEP, Women's Educational Equity Act Program Evaluation Report, FY 1980, November 1981; Rapid Feedback Evaluation of the Women's Educational Equity Act Program, Campeau, et al., American Institutes for Research, December 1981.

2. General implications of current administration views for the reallocation of sex equity program resources and activities

All of the past Federal program functions used to promote sex equity remain allowable activities in this administration. The possible shifts of emphasis desired by this administration may be toward more dissemination, TA, and applied research to determine what is effective and less toward new development and service. Such a shift would make sense for Federal sex equity activities because:

a. There is a wide array of sex equity products, most of which were Federally sponsored.

b. There is a large budget reduction and development and services are generally expensive functions.

c. Even greater attention is being given to the identification and addressing of needs at the state and local educational levels than in the past.

d. One of the major criteria suggested by this administration as well as its predecessors is effectiveness.

- We have evidence that the equitable treatment of students and educators has positive effects for females and males. (Title IX: The Half Full, Half Empty Glass, NACWEP 1981. "Sex Equity in American Education," Wirtenberg et al, Educational Leadership 1981)

- We do not yet know much about the comparative effect of specific sex equity activities to identify those which are likely to be of most value to various types of users. Thus more Federally sponsored research, evaluation and synthesis in specific sex equity areas such as math and science, career and vocational education, and classroom management are needed.

e. Types of Federal sex equity activities that may be now considered especially favorable include: volunteer projects, identification of exemplary projects, dissemination of information requested by practitioners, and maximum involvement of the field in Federal program support decisions.

3. The continued importance of sex equity as a Federal education priority. Federal support of sex equity programs is still legitimate in this administration because:

a. Although Bell said that "social reform and equity will not be the cutting edge of Federal education policies", one of the goals of this administration remains equity.

b. Some other administration goals are quality/excellence and productivity/instructional technology. None of these

goals are attainable without attention to sex equity -- unless the administration means these goals to be limited to males. There is no indication of that limitation from administration officials or the 1980 Republican Party Platform.

c. Sex equity is a national concern and issues and needs differ little among states and geographical regions.

d. Secretary Bell has said that he will try to "persuade, teach, and advocate" to secure compliance with civil rights laws. Federal research, dissemination and technical assistance activities are appropriate ways to help state and local education agencies comply with Title IX.

By: Susan S. Klein with contributions from Joy R. Simonson and Martine Brizius
1/22/82

References

Bell, T.H., Letter to Senator Paul Laxalt, April 24, 1981.

Bell, T.H., Quotes from speeches, testimony, etc. on "The Federal Role in Education" prepared by the Department of Education, September 1981.

"Bell Tells Endangered Education Department To Straighten Up, Fly Right," Education Times, July 20, 1981.

Bennetts, Leslie, "Federal Government Role in Education is at Issue," The New York Times, July 25, 1981.

Brozan, Nadine, "Uncertain Future for Curbs on Sex Bias" New York Times November 23, 1981.

Campeau, Peggie, et al., Rapid Feedback Evaluation of the Women's Educational Equity Act Program, American Institutes for Research, December 1981.

Dole, Elizabeth, H., Letter to Ms. Vance, Chair, NACWEP, August, 1981.

Federal Register, Vol. 46, No. 212, November 3, 1981, Proposed Rules.

Klein, Susan, and Goodman, Melanie, Federal Funding to Promote Sex Equity in Education, 1980.

Klein, Susan, "Summary of Recent U.S. Department of Education Activities to Increase Equal Access and Equal Opportunities for Women" for NACWEP, October 1981.

Lloyd, Kent, "Q & A, An Interview with Kent Lloyd - The Declining Federal Role," World Currents, Section C, of The San Diego Union, June 28, 1981.

Miller, Robert A., ed., The Federal Role in Education: New Directions for the Eighties, Institute for Educational Leadership, Inc., 1981.

National Academy of Education, The Appropriate Federal Role in Education: Some Guiding Principles, A Report of a Committee of the National Academy of Education, 1979.

National Advisory Council on Women's Educational Programs, Women's Educational Equity Act Program Evaluation Report, FY 1980, November 1981.

National Advisory Council on Women's Educational Programs, Title IX: The Half Full, Half Empty Glass, Fall 1981.

National Coalition for Women and Girls in Education, "Title IX Papers," prepared by the Enforcement Task Force, June 30, 1981.

Reagan, Ronald, Letter to the National Organization for Women, October 13, 1981.

Reagan, Ronald, quoted in Personalities column in the Washington Post, October 8, 1981.

"Reagan: Strong Educational System Key to Preservation of Liberties," School Administrator, September 1981.

"Staff Development Urged as State Priority," Interview with Secretary Bell in Inservice, National Council of States on Inservice Education, September 1981.

"Steps Underway to Abolish Federal Education Department," The Federal Education Project Newletter, October 1981.

U.S. Department of Education, "Text and Recommendations from Memorandum on Restructuring the Federal Role in Education," sent by T.H. Bell to the White House, Education Week, September 7, 1981.

U.S. Department of Education, Federalism Advisory Committee Briefing Paper, No date, 9/81?

Wirtenberg, Jeana, Klein, Susan, Richardson, Barbara, and Thomas, Veronica, "Sex Equity in American Education," Educational Leadership, January 1981.

national advisory council on women's educational programs

Suite 821
1832 M St., N.W.
Washington, D.C. 20036
(202) 653-5846

February 1982

RECOMMENDATIONS
for
MAINTAINING A FEDERAL ROLE IN PROVIDING EQUAL EDUCATIONAL OPPORTUNITIES FOR WOMEN

Recent major changes in the Federal role in education have raised many questions about how the Federal government will maintain its responsibilities for educational equity. The National Advisory Council on Women's Educational Programs (NACWEP) has reviewed extensive evidence of these changes and their implications for sex equity. Among the most significant are:

- Increased stress on educational excellence.
- Decreased appropriations for most Federal education programs.
- Pressures to deregulate and simplify Federal rules.
- Priority given to meeting needs of state and local education agencies in Federal decision making.
- Increased emphasis on achieving equity via persuasion and advocacy more than enforcement.
- Increased emphasis on programs of proven effectiveness and national significance.
- Continuation of Federal support for functions such as research, statistics, development, dissemination, evaluation, and technical assistance.

Within the framework of the revised Federal role in education, the Advisory Council recommends to the Department of Education the following measures as both necessary and appropriate steps toward equity for women and girls.

A. Department-wide.

1. Official recognition that sex equity remains a national priority and Federal responsibility. This should be reflected in appropriation requests, fund allocations, personnel distribution, and legislative proposals.

2. Infusion or mainstreaming of sex equity into all Federally assisted education programs, in addition to continued support for targeted sex equity programs. Examples include data collection, technical assistance, criteria for field readers and review of proposals.

3. Guidance by the National Commission on Excellence in Education to educational systems as to how they can improve excellence through equality of opportunity for women. Quality and equality reinforce each other.

Established by the Women's Educational Equity Act, 1974. – U.S. Department of Education

4. Allocation of adequate resources to the new Presidential Interdepartmental Task Force on Legal Equity for Women, the Office of Women's Concerns, and the National Advisory Council on Women's Educational Programs.

5. Continued internal policies and practices to avoid sex discrimination. This includes personnel policies on recruitment, promotion, and training; use of nonsexist language in all departmental communications; nondiscriminatory procurement; affirmative efforts to increase numbers of women serving on committees and as reviewers.*

6. Public information (e.g. television, radio spots, speeches) concerning sex equity in education. Office for Civil Rights, Office of Vocational and Adult Education, Elementary and Secondary, and Postsecondary Education should participate with Public Affairs in this.

7. Consideration of the impact on sex equity of all pending changes in regulations. This should include consultation with the Advisory Council and outside groups. "Slenderizing the rulebook" should not be at the expense of equity.

8. Increased coordination and dissemination of Federal sex equity education activities to make them more cost effective.

   a. Development of awards criteria which favor most economical use of scarce funds, such as joint funding of complementary Federal projects, contributions by state, local, and private sources, or volunteer components. There is evidence, for example, that receipt of WEEAP and Title IV grants by the same awardee enhances the effectiveness of each project.

   b. Joint funding of multi-purpose consortia to perform product review, research, dissemination, and development of user-networks. Each would focus on sex equity in a field such as science/math/engineering, educational administration, classroom management, or women with special needs (minority, disabled, older women).

B. Block grants.

1. Regulations and policies to refer to continued Federal responsibility for enforcement of Title IX and other civil rights laws wherever block grant funds are eventually spent.

* See NACWEP Reports: Women's Participation in Management and Policy Development in the Education Division, Efforts Toward Sex Fairness in the Use of Education Division Funds, Problems in Assessing the Impact of Education Division Programs on Girls and Women, Sex Bias: Education Legislation and Regulations, Sex Fairness in Education Division Communication, Products and Dissemination Strategies.

2. Adequate attention to state and local plans for civil rights compliance in reviewing applications for block grants.

C. Office of Elementary and Secondary Education.

1. Women's Educational Equity Act Program (WEEAP).*

a. A larger proportion of the limited funds devoted to identification, adaptation, and dissemination of effective products instead of further development of new ones. New projects should be supported only when needs are clearly indicated, such as consumer information and distribution services for sex equity products on a partially self-supporting basis.

b. Increased emphasis on evidence of effectiveness of existing and future products and approaches to promote sex equity.

c. Improved technical assistance to product developers and adapters to improve quality and utility.

d. Involvement of users (SEAs, LEAs, higher education institutions, community groups) in setting priorities and directions for WEEAP.

2. Civil Rights Act Title IV Program (CRA Title IV).

a. Maintenance of separate grants for sex, race, and national origin technical assistance activities.

b. Coordination among projects designed to serve the three equity groups on mutual concerns such as similar needs in math and science and the sex equity needs of minority group members.

c. CRA Title IV grantees, as part of their technical assistance activities, to disseminate and evaluate WEEAP and other sex equity products.

D. Office of Vocational and Adult Education (OVAE).

1. A major and distinct emphasis on sex equity to be retained in the reauthorization of the vocational education law.**

2. All economic development efforts to include appropriate emphasis on the role of women in the nation's reindustrialization. Since 60% of all working age women are now in the labor force, attempts to revitalize the economy will be futile if they ignore the labor market inflexibility caused by women's concentration in 60 of the 441 occupations.

* See NACWEP FY 1980 Evaluation of WEEAP, December 1981.

** For specific legislative recommendations, see Council testimony before House Subcommittee on Vocational Education, December 16, 1981.

3. National staff development effort to assure an adequate supply of female teachers, counselors, and administrators across the country in subject areas and at levels of the system where they are underrepresented. National data (VEDS) have documented that female vocational education staff are concentrated in instructional areas traditional for their sex and that supervisory positions are held predominantly by males. The supply of teachers and administrators is a matter which cuts across state lines and which benefits from the cross-fertilization and cost-effectiveness of a national effort.

4. Regulation not amended prior to reauthorization in any way which would reduce the resources for sex equity presently mandated by law.

5. Federal data collection and analysis to provide enrollment and staffing data which are cross-tabulated by both sex and race/ethnicity and disability, in order to determine: a) whether national equity goals are being met; and b) whether minority women and disabled women are benefiting equitably from the education system. This allows for considerable flexibility among state and local agencies as to the method used to accomplish such national goals but retains a uniform format for measuring progress toward the goals as well as comparing the effectiveness and efficiency of the various methods.

6. Continuation of the position of Special Advisor on Women's Issues in recognition of the critical economic needs of women which should be addressed by the vocational education system of this country. The person in this position should continue to provide: a) technical assistance to state agencies; and b) assistance to other units of the OVAE in building policies and mechanisms that will enable the Education Department to assist states in their responsibilities for sex equity.

7. Development of a system for review and approval of state vocational education plans which analyzes the enrollment of women across the full range of vocational courses, for use as a trigger for provision of technical assistance to states.

E. Office of Educational Research and Improvement (OERI).

1. National Institute of Education (NIE).

a. Dissemination of sex equity information. Since there are currently no information clearinghouses focused on sex or race equity, NIE, perhaps with the assistance of the Civil Rights Act, Title IV technical assistance program, should establish such a clearinghouse. Pending such a development, clearinghouses such as those on Bilingual, Urban, and Rural Education should incorporate this responsibility. Plans to develop a mini-network in this area at the Social Studies Clearinghouse should be adequately implemented and publicized.

b. Publicizing the most effective of the NIE experimental programs designed to increase the involvement of women and minorities in

educational R&D so that they can be replicated by others.

c. Development of additional ways to increase the participation of women and minorities in NIE supported research, including opportunities for training, study, and full participation in relevant R&D conferences and networks.

d. Involvement of staff in synthesizing research and evaluation on sex equity activities or topics, such as classroom interaction, non-traditional blue collar job training, sex equitable research methodologies, and increasing the prestige of female-dominated occupations such as teaching and nursing.

e. Continued production of syntheses and information analyses focused on sex equity issues by the ERIC Clearinghouses, the Labs and Centers, and via other appropriate funding mechanisms.

f. Annual reports by NIE to provide information on the number of projects focused primarily on sex equity issues, the percent of NIE funds received by each, the results of each, and their implications for sex equity. Such reports would be valuable to both the NIE policy board (National Council on Educational Research) and NACWEP.

g. Continued development and publication of guidelines on how to avoid societal biases in research, development, evaluation, and dissemination activities.

h. Technical assistance provided by NIE staff to Federal sex equity programs such as WEEAP, CRA IV and Vocational Education. NIE grantees should provide assistance to their constituents at the state and local level in the utilization of research on sex equity.

2. National Center for Education Statistics (NCES).

a. Preparation of studies focused on population groups--as well as on educational institutions--to learn about women's participation in and needs for various types of education and training. The impact of specific education on women's employment or economic status, the implications of women's greater discontinuity of education and employment, and the effect of family structure on women's education are examples of potential subjects.

b. More extensive analysis and reporting of data by sex, including information on course offerings and enrollments at the secondary level.

c. Addition of women's studies to the subjects surveyed in educational institutions.

d. Survey of the personnel with responsibilities for sex equity in educational systems, including their primary assignments, percent of time devoted to sex equity activities, etc.

3. Fund for the Improvement of Postsecondary Education (FIPSE).

Continued funding for projects concerned with special educational needs of women.

F. Office for Civil Rights (OCR).

1. Maximum protection for beneficiaries.

a. Existing Title IX legislation maintained.

b. Regulation not amended in any way which would lessen protection of beneficiaries.

c. Consultation with Advisory Council and representatives of beneficiaries prior to development of legislative, regulatory, or policy changes affecting Title IX. This includes proposed changes in the intercollegiate athletics manual, which should continue to be designed to achieve the principle and the reality of equity for women.

d. Adequate resources to enable OCR to carry out a strong enforcement effort for Title IX.

e. Regulation defended when challenged by litigation.

2. Increased priority for Title IX.

a. Public information campaign concerning the provisions and procedures of Title IX. This should be a joint effort with the Office of Public Affairs and CRA Title IV program.

b. Expanded technical assistance on Title IX compliance. The contract for training and materials on sexual harassment of students is a beginning but much more is needed.

c. More resources allocated to institution-wide Title IX compliance reviews as a cost-beneficial use of funds.

d. Inclusion of technical assistance on Title IX in other technical assistance efforts such as those for the handicapped.